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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,775	10/30/2003	Giuseppe Principe	163-514	8880
47888	7590	09/08/2005	EXAMINER	
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			CULLER, JILL E	
			ART UNIT	PAPER NUMBER
			2854	
DATE MAILED: 09/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/697,775	PRINCIPE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jill E. Culler	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,378,862 to Rebeaud in view of U.S. Patent No. 4,477,218 to Bean.

With respect to claim 1, Rebeaud teaches a supply system for a printing machine comprising a supply table, 14, which moves on longitudinal guides, 46, 51, 61, in a longitudinal advancing direction of a sheet, 5, which is able to be registered longitudinally by being passed under longitudinal registering means, 50, 60, said supply system comprising transversal registering means, 56, 66, which comprise a support shaft, 20, fixed to the supply table, 14, supporting a plurality of supports, 22, aligned along it, see column 6, lines 40-43, each of which is fixed to said support shaft, said supports holding locking means 16, 20, 22, for locking the sheet, 5, on the supply table, 14, for a predetermined time, and an actuator, 40, to move the supply table, 14, in a direction perpendicular to the longitudinal direction so as to allow the registering of the transversal position of the sheet, 5, without misaligning it with respect to the longitudinal direction. See column 5, line 41 - column 6, line 39.

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Rebeaud does not teach that these supports are fixed to the shaft respectively through attachment screws or that the locking means comprise a plurality of pressure elements which can be activated through pressurized air, each respectively housed in one of the supports.

Bean teaches a paper processing system having a support shaft, 66, to support locking means, 62, which comprise a plurality of pressure elements, activated through pressurized air, each respectively housed in a support, 64, by an attachment screw. See column 6, lines 13-29.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the invention of Rebeaud to have the locking means of Bean in order to hold the sheet down with independently attached and adjustable elements rather than a toothed comb where the elements are fixed.

With respect to claim 2, Rebeaud teaches the transversal registering means comprise two transversal guides, 56, 66, which couple with each other and are able to slide along the longitudinal guides, 51, 61, the supply table, 14, being coupled with the transversal guides, 56, 66, and being slidable in a direction transverse to the advancing direction of the sheet. See column 3, line 53-64.

With respect to claim 3, Rebeaud teaches that the transverse registering means comprise two support shoulders, 52, 62, which couple with each other and are able to slide with respect to two longitudinal guides, 51, 61, and in which the two transverse guides, 56, 66, are respectively housed. See column 5, line 65 - column 6, line 8.

With respect to claim 4, Rebeaud teaches that the transverse registering means comprise an optical sensor, 43, 53, 63. See column 7, lines 13-21.

With respect to claim 7, Rebeaud teaches the longitudinal registering means comprise retractable stop elements, 22, capable of cooperating with the optical sensor to register the longitudinal position of the sheet. See column 6, lines 32-50.

### ***Response to Arguments***

3. Applicant's arguments filed June 13, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Rebeaud and Bean should not be combined because Bean teaches away from using its locking mechanism in an independent manner, the examiner notes that the claims require the locking elements to be individually attached and individually adjustable, but do not require that they operate individually. Likewise, the above rejection does not discuss whether they are operated individually or as a unit

In response to applicant's argument that Rebeaud and Bean do not disclose the problems or solutions discussed in applicant's specification, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Therefore, because the structure of Rebeaud, as modified by Bean, is

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the same as the claimed invention, there is no requirement that the references discuss the problems or solutions of the invention.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Bean teaches the use of a plurality of pressure elements, individually attached to a support arm. One having ordinary skill in the art would recognize the advantages of using individual elements which can be replaced or adjusted, in place of the single support arm with integrated elements taught by Rebeaud. The Bean reference is not relied upon to teach a locking means, as this is taught by Rebeaud. Bean is merely relied upon to modify the locking means of Rebeaud for the use of pressure elements and screws to improve the function of the invention.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that pressure elements act directly on the sheet rather than with a cylinder actuator and that the stop elements are adaptable to different sheet formats) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-Th 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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